

CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

SUBJECT: USE OF FORCE

ORDER NUMBER: 1.3

EFFECTIVE DATE: 10/01/09

REVISED DATE:

REFERENCE ILEAP: ADM.05.01
ADM.05.02
ADM.05.03

INDEX AS:

- 1.3.1 FORCE NECESSARY TO ACCOMPLISH
LAWFUL OBJECTIVES
- 1.3.2 USE OF DEADLY FORCE
- 1.3.3 WARNING SHOTS
- 1.3.4 USE OF LESS LETHAL WEAPONS
- 1.3.5 MEDICAL AID AFTER USE OF FORCE
INCIDENTS
- 1.3.6 USE OF FORCE REPORTING
- 1.3.7 REVIEW USE OF FORCE INCIDENTS
- 1.3.8 REMOVAL FROM LINE OF DUTY
- 1.3.9 AUTHORIZED WEAPONS AND AMMUNITION
- 1.3.10 WEAPONS QUALIFICATION
- 1.3.11 PROFICIENCY TRAINING
- 1.3.12 POLICY TRAINING
- 1.3.13 ANNUAL ANALYSIS OF USE OF FORCE
INCIDENTS

PURPOSE:

The purpose of this policy is to establish procedures for the use of force and the review of use of force incidents, to ensure adherence to Departmental policy, and to ensure that the use of force is based upon reasonableness in accomplishing a lawful task.

DEFINITIONS:

Deadly Force: The Illinois Compiled Statutes define deadly force as force which is likely to cause death or great bodily harm, and includes the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm, and the firing of a firearm at a vehicle in which the person to be arrested is riding. However, per 720 ILCS 7-8 (b), a peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm shall not be considered force likely to cause death or great bodily harm.

Non-Deadly Force: Force which is not likely to cause death or great bodily harm. Non-deadly force options include but are not limited to hands-on defensive tactics, impact tools, Oleoresin Capsicum (OC) spray, canine apprehension, and less lethal impact munitions.

Reasonable Belief: The United States Supreme Court in *Graham v Connor* 490 U.S. 386 (1989) stated "the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than the 20/20 vision of hindsight". The totality of information known to the officer at the time of action, not what is learned thereafter, is the basis upon

which such police use of force actions shall be reviewed.

Great Bodily Harm: Serious physical injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long term loss or impairment of the function of any bodily member or organ.

Forcible Felonies: Under the Illinois Compiled Statutes, the following offenses are considered forcible felonies: Treason; First Degree Murder; Second Degree Murder; Predatory Criminal Sexual Assault of a Child; Aggravated Criminal Sexual Assault; Criminal Sexual Assault; Robbery; Burglary; Residential Burglary; Arson; Aggravated Arson; Kidnapping; Aggravated Kidnapping; Aggravated Battery resulting in great bodily harm or permanent disability or disfigurement, and; any other felony which involves the use or threat of physical force or violence against any individual.

Taser: The TASER X26 is a conducted energy weapon which is classified as a less-lethal weapon.

Taser Dataport: The TASER X26 Dataport function stores information pertaining to the use of the Taser. This data protects officers from claims of excessive use of force by providing complete and accurate information of the date and time of each use of the Taser.

POLICY:

- A. It is the policy of the Champaign Police Department to accomplish its law enforcement mission as efficiently and effectively as possible. The use of force by police officers must conform to the law and to Departmental policy. Officers must de-escalate their level of force as the behavior of a suspect/offender changes and as an incident progresses.
- B. The use of force, whether in defense of the officer or others or to accomplish arrest, often occurs in circumstances that are tense, uncertain, and rapidly evolving. Such situations involve the need for decisions that may affect the safety of the public, the officers involved, and suspects/offenders. As such, use of force decisions shall be based upon the following safety priorities as applied to those persons at risk:
 - 1. Victims and other persons.
 - 2. Police Officers.
 - 3. Suspects / Offenders.
- C. When feasible, the safety of a criminal offender or suspect will be considered and alternatives may be utilized. However, the safety of a criminal offender or suspect will not take precedence over the safety of a victim, other person, and/or a police officer.

1.3.1 FORCE NECESSARY TO ACCOMPLISH LAWFUL OBJECTIVES

A. State law and the City of Champaign have entrusted its police officers with the unique powers and authority designated to assist them in performing their duties. Officers, under certain circumstances, have the right to apply force, including lethal force, on another human being. Such application will be based upon the reasonable belief that such force is warranted and justified based upon current laws and the policies of this Department.

B. Use of Force Principles.

1. An officer may use force in the performance of his duties under the following circumstances:
 - a. To prevent or terminate the commission of an offense.
 - b. In self defense or the defense of another.
 - c. To effect the arrest of an offender, including those resisting arrest or attempting to flee from arrest or custody.
 - d. To prevent a person from injuring themselves.
2. The use of force continuum, in order of escalation, is as follows:
 - a. Verbal Persuasion.
 - b. Non-Deadly Force.
 - c. Deadly Force.
3. Verbal Persuasion as a means of effecting custody.
 - a. The practice of courtesy and dialogue may encourage understanding and cooperation on the part of the public and those who are to be arrested.
 - b. Verbal commands which result in compliance are the desired method of gaining cooperation from the public, taking an offender to be arrested into custody, and defusing potentially violent situations. However, recognizing that not all persons will comply with lawful verbal commands and submit to arrest and/or cease aggressive or violent actions, the use of force by police may be necessary to effect an arrest and to protect the officer or others during the arrest process.
 - i. 720 ILCS 5 / 7-5, Peace Officer Use of Force in Making Arrest, sets out the following; (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He

is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.

4. It is not intended that any suspect or offender should ever be allowed to be the first to exercise force, thus allowing them to gain an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that an officer is required to resort to a lesser level of force to defend against a threat of violence that places the officer or others at greater risk or to engage in prolonged physical confrontation before resorting to a use of force that will more quickly and safely bring the arrestee under physical control.

1.3.2 USE OF DEADLY FORCE

A. Officers may use lethal force against another human being when the officer, or another person, is in imminent and otherwise unavoidable danger of death or great bodily harm from the individual(s) against whom the officer is applying or is about to apply deadly force. Illinois Compiled Statutes (720 ILCS 5/7-5) define the parameters of a police officer's use of force in making an arrest, including the use of deadly force, as follows:

1. A peace officer is justified in using deadly force only when:
 - a. He reasonably believes that such force is necessary to prevent death or great bodily harm to himself or another; or,
 - b. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and,
 - c. The person to be arrested has committed or has attempted to commit a forcible felony which involves the infliction of great bodily harm; or,
 - d. Is attempting to escape by use of a deadly weapon; or
 - e. Otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

2. Use of deadly force against fleeing felons:

- a. Officers are prohibited from using deadly force against "fleeing felons" when the only condition for the application of deadly force is that the individual is a "fleeing felon".
- b. A "fleeing felon" should not be presumed to pose an immediate threat to life in the absence of actions or circumstances that would lead one to believe that a threat to life exists.

- c. Officers are authorized to use deadly force against "fleeing felons" only under the specific circumstances and conditions as stated in this policy.

- d. If an officer faces a lethal force situation and his firearm is not reasonably available to him at the time, any force used by the officer in defense of his or a citizen's life would be justified.

3. Use of force to prevent escape:

- a. A peace officer, or other person who has an arrested person in his custody, is justified in the use of such force to prevent the escape of the arrested person as he would be justified in using if he were arresting such person.
 - b. A guard or other peace officer is justified in the use of force, including force likely to cause death or great bodily harm, which he reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.
4. When feasible, and where such action does not increase the level of danger to the officer or others, a verbal warning or command should be given before deadly force is used (Tennessee v. Garner).
5. Officers shall not discharge a firearm at or from a moving vehicle unless there exists an imminent or immediate threat of death or great bodily harm offered by the driver or occupants of the vehicle to the officer or others, or where the escape of an offender(s) otherwise indicates that he/she will endanger human life or inflict great bodily harm unless arrested without delay. This may include the offender's use of a vehicle as a deadly weapon NOT solely as means of escape.
6. Where the offender is not visible, firing into a building, through doors, or other barriers behind which an offender is hiding is prohibited unless the offender offers an imminent or immediate threat of death or great bodily harm and the offender's location can reasonably be identified.

- B. Deadly force may be used to kill a dangerous animal or an animal that is so severely injured that humanity requires its disposal to prevent further suffering.

1.3.3 WARNING SHOTS

- A. Warning shots are prohibited. Officers will not fire into the air, ground, or any other location in an attempt to halt a fleeing offender.

1.3.4 USE OF LESS LETHAL WEAPONS

- A. Department members may respond to resistance or aggression by use of physical control tactics based upon reasonable belief that the tactics are necessary.
- B. Department members may have at hand certain less lethal defensive weapons, including but not limited to:

- 1. ASP Baton/Baton: The baton is intended to be used against unarmed aggressive suspects or when lesser levels of control have failed or been determined to be inadequate.

- a. The use of the baton shall follow Department training guidelines. Baton training and re-certification will be conducted as directed by the Department's Training Unit.

- b. Officers may carry only batons authorized by the Department after completing initial academy training or other Department authorized training.

- c. Flashlights are not intended to be used as primary defensive tools. If an officer is forced to use a flashlight as a defensive tool, it will be used in accordance with Department baton training guidelines.

- 2. Less Lethal Impact Munitions: Less Lethal Impact Munitions are used in an attempt to de-escalate potentially dangerous situations. Such situations may include, but are not limited to, suicidal subjects, crowd control, and subjects armed with edged or impact weapons. Less Lethal Impact Munitions are intended to be used where time and tactics permit.

- a. Officers may utilize Department approved Less Lethal Impact Munitions after completing Department approved training.

- b. Less Lethal Impact Munitions training and re-certification will be conducted as directed by the Department's Training Unit.

- c. Less Lethal Impact Munitions will be used consistent with Department approved training.

- 3. Use of Oleo Resin Capsicum (OC) Spray: The Use of OC Spray is intended to be used primarily against unarmed subjects who officers reasonably believe have indicated physically and/or verbally that they intend to resist arrest or assault an officer or other person.

- a. OC Spray may be used for animal control or attack prevention.

- b. Officers must complete OC Spray training prior to carrying or using OC Spray. OC Spray Training and re-certification will be conducted as directed by the Department Training Unit.
 - c. Officers shall decontaminate or flush the eyes of a subject against whom OC has been deployed as soon as feasible following the deployment.
 - d. Only Department approved OC Spray may be carried and used.
4. Conducted Energy Weapons: Conducted Energy Weapons are intended for use against either unarmed persons or those persons who are armed with weapons or objects not easily capable of spanning the distance between the person and an officer employing a Conducted Energy Weapon and who officers reasonably believe have indicated, either verbally or physically, that they intend to assault an officer or other person, resist arrest, or do serious harm to themselves.
- a. Only trained officers may utilize Department approved Conducted Energy Weapons.
 - b. Conducted Energy Weapons training, certification, and re-certification will be conducted as directed by the Department's Training Unit.
 - c. Conducted Energy Weapons are not intended for use against a person armed with a firearm or other weapon that places the officer or others in imminent or immediate threat to life.
 - d. "Drive Stuns" may be utilized only to create distance between an officer and a subject when necessary to enable the officer to fully deploy the probes of a Conducted Energy Weapon. "Drive Stuns" may not be used for pain compliance.
 - e. Taser probes shall be removed as soon as possible after deployment. Taser probes that are imbedded in a subject's skin shall be removed by medical personnel.
 - f. When a Taser has been deployed in the field, the deploying officer shall collect the cartridge, wire, leads, and darts and secure them as evidence. In all cases, the location of the AFIDs shall also be noted in the corresponding police report.
 - g. Upon booking, the transporting officer shall advise the intake officer of the fact that the arrestee was tased.
 - h. As soon as possible after the deployment of the Taser, the Taser's database will be accessed by a shift supervisor and a report of its use generated.

- 5. The use of any instrument or equipment not authorized and trained in as a defensive tool by the Department is prohibited unless used as a defensive tool of last resort in an extreme emergency.

1.3.5 MEDICAL AID AFTER USE OF FORCE INCIDENTS

- A. After any use of force incident, if an officer observes any injury or the person arrested or seized complains of injury then the officer shall obtain medical assistance as soon as reasonably possible. Photos shall be taken of all observable injuries. In the event the injuries are in sensitive or private areas of the body, the shift supervisor shall request that appropriate medical personnel assist with the photo documentation. Injuries shall also be documented in appropriate Departmental reports.

1.3.6 USE OF FORCE REPORTING

- A. The following shall be documented in an offense report any time an officer applies non-deadly or deadly force:
 - 1. The facts and circumstances of the arrest, including the level and type of threat, passive or overt resistance, or violence directed against the officer or others that required the officer to employ defensive measures and / or use force in making an arrest and / or in defense of the officer or other persons.
 - 2. A description of type of force used and any defensive tools employed.
 - 3. The effectiveness of the force employed against the offender(s).
 - 4. Any injury to the arrestee(s).
 - 5. Any known pre-existing injuries to the arrestee.
 - 6. Any verbal statements made by the offender.
 - 7. All injuries to officers or others, whether minor or serious.
 - 8. Any known consumption of alcohol or controlled substances by the arrestee.
 - 9. The names and identifiers of any witnesses to the incident/arrest.
- B. It is the responsibility of the shift supervisor to ensure that all the above elements are included in the offense report(s).

1.3.7 REVIEWING USE OF FORCE INCIDENTS

- A. Each police report involving the use of force shall have a "Use of Force Incident Report" cover sheet attached to it. The cover sheet will be completed by the reviewing supervisor, and a copy of the report and cover sheet will be forwarded to the appropriate

Deputy Chief through the chain of command and reviewed at each step.

1. The report will be reviewed for any policy, training, weapon, or equipment issues related to the incident.
2. A copy of all Use of Force Incident Reports will be retained for annual analysis.

1.3.8 REMOVAL FROM LINE DUTY

- A. The requirements of this standard are delineated in Policy 1.5.

1.3.9 AUTHORIZED WEAPONS AND AMMUNITION

1.3.10 WEAPONS QUALIFICATION

1.3.11 PROFICIENCY TRAINING

- A. The requirements of these standards are delineated in Policy 1.4.

1.3.12 POLICY TRAINING

- A. All personnel authorized to carry lethal and less-lethal weapons shall be issued copies of and receive instruction regarding this policy before being authorized to carry any weapon.
- B. Officers will receive training on the use of force at least yearly.
- B. Policy instruction will be documented in the officer's field training and evaluation program.

1.3.13 ANNUAL ANALYSIS OF USE OF FORCE INCIDENTS

- A. All reports required by 1.3.6 will be reviewed and analyzed on an annual basis to determine any trends, patterns, training needs, or needs for policy modification.